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AMENDMENT TO H.R. 5005

OFFERED BY MR. MARKEY

At the end of title III, insert the following new section:

SEC. 305. RADIATION SOURCE PROTECTION.

(a) TASK FORCE ON SEALED SOURCE PROTECTION.—

(1) ESTABLISHMENT.—There is hereby established a task force on sealed source protection.

(2) MEMBERSHIP.—The task force shall be headed by the Under Secretary for Chemical, Biological, Radiological, and Nuclear Countermeasures or his designee. Its members shall be the following:

(A) The Secretary of Defense or his designee.

(B) The Secretary of Transportation or his designee.

(C) The Attorney General or his designee.

(D) The Secretary of State or his designee.

(E) The Director of the Central Intelligence Agency or his designee.

(F) The Director of the Federal Emergency Management Agency or his designee.

(G) The Director of the Federal Bureau of Investigation or his designee.

(H) The Chairman of the Nuclear Regulatory Commission or his designee.

(I) The Secretary of Energy or his designee.

(3) DUTIES.—

(A) IN GENERAL.—The task force, in consultation with other State, Federal, and local agencies and members of the public, as appropriate, shall evaluate and provide recommendations to ensure the security of sealed sources from potential terrorist threats, including acts of sabotage, theft, or use of such sources in a radiological dispersal device.

(B) RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—Not later than 180 days after the date of the enactment of this Act, and not less than once every 5 years thereafter, the task force shall submit a report to Congress and to the President, in unclassified form with a classified annex if necessary, providing recommendations, including recommendations for appropriate regulatory and legislative changes, for—

(i) the establishment of or modifications to a classification system for sealed sources based on their potential attractiveness to terrorists and the extent of the threat to public health and safety, taking into account sealed source radioactivity levels, dispersability, chemical and material form, and other factors as appropriate;

(ii) the establishment of or modifications to a national system for recovery of sealed sources that have been lost or stolen, taking into account the classification system established under clause (i);

(iii) the storage of sealed sources not currently in use in a safe and secure manner;

(iv) the establishment of or modification to a national tracking system for sealed sources, taking into account the classification system established under clause (i);

(v) the establishment of or modifications to a national system to impose fees to be collected from users of sealed

sources, to be refunded when the sealed sources are returned or properly disposed of, or any other method to ensure the return or proper disposal of sealed sources;

(vi) whether alternative technologies are available that can perform some or all of the functions currently performed by devices that employ sealed sources, and if so, the establishment of appropriate regulations and incentives for the replacement of such devices with alternative technologies in order to reduce the number of sealed sources in the United States; and

(vii) the creation of or modifications to procedures for improving the security of sealed sources in use, transportation, and storage, which may include periodic Nuclear Regulatory Commission audits or inspections to ensure that sealed sources are properly secured and can be fully accounted for, Nuclear Regulatory Commission evaluation of security measures, increased fines for violations of Nuclear Regulatory Commission regulations relating to security and safety measures applicable to

Nuclear Regulatory Commission licensees who possess sealed sources, background checks for certain individuals with access to sealed sources, assurances of the physical security of facilities that contain sealed sources, and the screening of shipments to facilities particularly at risk for sabotage of sealed sources to ensure that they do not contain explosives.

(b) NATIONAL ACADEMY OF SCIENCES STUDY.—Not later than 60 days after the date of the enactment of this section, the Secretary shall enter into an arrangement with the National Academy of Sciences for a study of industrial, research, and commercial uses for sealed sources. The study shall review the current uses for sealed sources, identifying industrial or other processes that utilize sealed sources that could be replaced with economically and technically equivalent (or improved) processes that do not require the use of radioactive materials. The Secretary shall transmit the results of the study to Congress within 24 months after the date of the enactment of this Act.

(c) DEFINITION.—For purposes of this section, the term "sealed source" means any byproduct material or special nuclear material encased in a capsule designed to

prevent leakage or escape of the material, except that such term does not include fuel or spent fuel.